

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FRANK SPINELLI,

Plaintiff,

-against-

BOY SCOUTS OF AMERICA, and
GREATER NEW YORK COUNCILS, BOY
SCOUTS OF AMERICA,

Defendants.

Case No. 20-1503 (ALC)

**NOTICE OF ENTRY OF ORDER APPROVING SIXTH STIPULATION BY AND
AMONG BOY SCOUTS OF AMERICA, THE OFFICIAL COMMITTEE
OF SURVIVORS OF ABUSE AND THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS MODIFYING THE CONSENT ORDER
GRANTING THE BSA'S MOTION FOR A PRELIMINARY INJUNCTION
PURSUANT TO 11 U.S.C. §§ 105(a) AND 362 AND FURTHER EXTENDING
THE TERMINATION DATE OF THE STANDSTILL PERIOD**

Defendant Boy Scouts of America (the "BSA"), by and through the undersigned counsel, hereby provides notice of the entry of the *Order Approving Sixth Stipulation By and Among Boy Scouts of America, the Official Committee of Survivors of Abuse and the Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 and Further Extending the Termination Date of the Standstill Period*, Adv. Proc. Case No. 20-50527 (LSS) (Bankr. D. Del.) [Adv. Dkt. No. 199] (the "Order Approving Sixth Stipulation") entered by the United States Bankruptcy Court for the District of Delaware (the "Bankruptcy Court") on November 8, 2021 **further extending the stay of proceedings in this action as against Defendant Greater New York Councils, Boy Scouts of America up to and including the date of the first omnibus hearing after the**

Bankruptcy Court issues its decision confirming or denying confirmation of the Plan,¹ subject to further extension by the Bankruptcy Court. A true and correct copy of the Order Approving Sixth Stipulation is attached as **Exhibit A** hereto.

BACKGROUND

1. On February 18, 2020 (the “Petition Date”), voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) were filed in the Bankruptcy Court by the BSA and Delaware BSA, LLC (together with the BSA, the “BSA Debtors”) (Case No. 20-10343) (LSS) (Jointly Administered).

2. On the Petition Date, the BSA commenced an adversary proceeding in the Bankruptcy Court by filing a Verified Complaint for Injunctive Relief (Adv. Proc. Case No. 20-50527, Adv. Dkt. No. 1) pursuant to Federal Rules of Bankruptcy Procedure 7001(7) and 7065 and sections 105(a) and 362 of the Bankruptcy Code. Also on the Petition Date, the BSA filed a Motion for Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 (Adv. Proc. Case No. 20-50527, Adv. Dkt. No. 6, the “Preliminary Injunction Motion”), seeking a preliminary injunction over certain actions pending around the country (the “Pending Abuse Actions”), as against certain non-debtor co-defendants.

3. On March 5, 2020, the United States Trustee for the District of Delaware appointed two official statutory committees: (i) an Official Committee of Unsecured Creditors (the “UCC”); and (ii) an Official Committee of Tort Claimants (the “TCC”, together with the UCC, the “Committees”).

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Order Approving Sixth Stipulation.

4. Following the formation of the Committees, the BSA and the Committees engaged in good-faith, arm's-length negotiations regarding the relief sought in the Preliminary Injunction Motion. As a result of these negotiations, the BSA and the Committees, upon consultation with other interested parties, reached an agreement on the terms of a consent order.

5. On March 30, 2020, the Bankruptcy Court entered the *Consent Order Pursuant to 11 U.S.C. §§ 105(a) and 362 Granting the BSA's Motion for a Preliminary Injunction*, Adv. Pro. No. 20-50527 (LSS) [Adv. Dkt. No. 54] (the "Consent Order"). Under the Consent Order, the Pending Abuse Actions and additional actions filed after the Petition Date (the "Further Abuse Actions"), as such Pending Abuse Actions and Further Abuse Actions are identified on Schedule 1 to the Consent Order, were stayed up to and including 11:59 p.m. (prevailing Eastern Time) on May 18, 2020 (the "Termination Date"), with respect to those certain non-debtor entities identified on Schedule 2 to the Consent Order.

6. On May 18, 2020, following further negotiations among the BSA and the Committees, the Bankruptcy Court entered the *Stipulation and Agreed Order By and Among the Boy Scouts of America, the Official Committee of Survivors of Abuse, and the Official Committee of Unsecured Creditors Extending the Termination Date of the Standstill Period Under the Consent Order Granting the BSA's Motion for a Preliminary Injunction*, Adv. Pro. No. 20-50527 (LSS) [Adv. Dkt. No. 72], extending the Termination Date up to and including 11:59 p.m. (prevailing Eastern Time) on June 8, 2020 as to the Pending Abuse Actions and the Further Abuse Actions.

7. On June 9, 2020, following further negotiations among the BSA and the Committees, the Bankruptcy Court entered the *Second Stipulation and Agreed Order By and Among the Boy Scouts of America, the Official Committee of Survivors of Abuse and the Official*

Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 and Further Extending the Termination Date of the Standstill Period, Adv. Proc. Case No. 20-50527 (LSS) (Bankr. D. Del.) [Adv. Dkt. No. 77], further extending the Termination Date up to and including 11:59 p.m. (prevailing Eastern Time) on November 16, 2020 as to the Pending Abuse Actions and the Further Abuse Actions.

8. On November 18, 2020, following further negotiations among the BSA and the Committees, the Bankruptcy Court entered the *Order Approving Third Stipulation By and Among the Boy Scouts of America, the Official Committee of Survivors of Abuse, and the Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 and Further Extending the Termination Date of the Standstill Period*, Adv. Proc. Case No. 20-50527 (LSS) (Bankr. D. Del.) [Adv. Dkt. No. 116], further extending the Termination Date up to and including 11:59 p.m. (prevailing Eastern Time) on March 19, 2021 as to the Pending Abuse Actions and Further Abuse Actions.

9. On March 17, 2021, following further negotiations among the BSA and the Committees, the Bankruptcy Court entered *Order Approving Fourth Stipulation By and Among the Boy Scouts of America, the Official Committee of Survivors of Abuse, and the Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 and Further Extending the Termination Date of the Standstill Period*, Adv. Proc. Case No. 20-50527 (LSS) (Bankr. D. Del.) [Adv. Dkt. No. 162], further extending the Termination Date up to and including 11:59 p.m.

(prevailing Eastern Time) on July 19, 2021 as to the Pending Abuse Actions and Further Abuse Actions.

10. On June 24, 2021, following further negotiations among the BSA and the Committees, the BSA and the Committees entered into the *Fifth Stipulation by and Among the Boy Scouts of America, the Official Committee of Survivors of Abuse, and the Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 and Further Extending the Termination Date of the Standstill Period*, Adv. Proc. Case No. 20-50527 (LSS) (Bankr. D. Del.) [Adv. Dkt. No. 178-1] (the "Fifth Stipulation"), which provided for, upon approval by the Bankruptcy Court, an extension of the Termination Date up to and including the earlier of: (a) October 28, 2021; and (b) the date of the first omnibus hearing after the Bankruptcy Court issues its decision confirming or denying confirmation of the Plan, except that, notwithstanding the foregoing, if on or before the extended Termination Date the TCC was a party to a filing with the Bankruptcy Court that evidences its support for the Plan, the extended Termination Date would be the date of the first omnibus hearing after the Bankruptcy Court issues its decision confirming or denying confirmation of the Plan.

11. On July 1, 2021 the Debtors filed the *Debtors' Motion For Entry of an Order, Pursuant to Sections 363(b) and 105(a) of The Bankruptcy Code, (I) Authorizing the Debtors to Enter Into and Perform Under the Restructuring Support Agreement, and (II) Granting Related Relief* (the "RSA Approval Motion"). The RSA Approval Motion seeks approval of the Debtors' entry into a Restructuring Support Agreement to which the TCC is a party; accordingly, the filing of the RSA Approval Motion triggered the above-referenced provision in the Fifth Stipulation providing for an Extended Termination Date up to and including the date of the first omnibus

hearing after the Bankruptcy Court issues its decision confirming or denying confirmation of the Plan.

12. On July 21, 2021, the Bankruptcy Court entered the Order Approving Fifth Stipulation, further extending the Termination Date up to and including the date of the first omnibus hearing after the Bankruptcy Court issues its decision confirming or denying confirmation of the Plan.

13. On August 27, 2021, the Restructuring Support Agreement expired by its terms. Accordingly, because the TCC was no longer party to a filing evidencing its support for the Plan, the extended Termination Date reverted to October 28, 2021.

14. On October 3, 2021, following further negotiations among the BSA and the Committees, the BSA and the Committees entered into the *Sixth Stipulation by and Among Boy Scouts of America, the Official Committee of Survivors of Abuse, and the Official Committee of Unsecured Creditors Modifying the Consent Order Granting the BSA's Motion for a Preliminary Injunction Pursuant to 11 U.S.C. §§ 105(a) and 362 and Further Extending the Termination Date of the Standstill Period*, Adv. Proc. Case No. 20-50527 (LSS) (Bankr. D. Del.) [Adv. Dkt. No. 193] (the “Sixth Stipulation”), which provides for, upon approval by the Bankruptcy Court, an extension of the Termination Date up to and including the date of the first omnibus hearing after the Bankruptcy Court issues its decision confirming or denying confirmation of the Plan (the “Extended Termination Date”).

15. Since the entry of the Consent Order, and consistent with its terms, Schedules 1 and 2 thereto have been amended several times, including most recently with the filing of the Sixth Stipulation [Adv. Dkt. No. 193-1].

NOTICE OF ENTRY OF THE ORDER APPROVING SIXTH STIPULATION

16. The BSA hereby provides notice that, on November 8, 2021, the Bankruptcy Court entered the Order Approving Sixth Stipulation.

17. The Order Approving Sixth Stipulation extends the stay as to each of the Pending Abuse Actions and Further Abuse Actions, including this action, identified in Schedule 1 as attached to the Sixth Stipulation (or as has been or may be further amended), up to and including the date of the first omnibus hearing after the Bankruptcy Court issues its decision confirming or denying confirmation of the Plan. Order Approving Sixth Stipulation ¶ 1.

18. The period beginning on the Petition Date and ending on the Extended Termination Date shall not be included in computing the running of any time periods with respect to any deadline in any Pending Abuse Action or Further Abuse Action, and all claims, defenses, rights and privileges with respect thereto shall be preserved and remain viable to the same extent as they existed as of the Petition Date. Sixth Stipulation ¶ 12.

19. The entry of the Order Approving Sixth Stipulation is without prejudice to the BSA's right to seek further extensions of the Termination Date and any party's right to object thereto.

APPLICABILITY OF THE SIXTH STIPULATION TO THIS ACTION

20. The BSA hereby provides further notice that upon entry of the Order Approving Sixth Stipulation, this action has been and continues to be stayed as against Defendant Greater New York Councils, Boy Scouts of America. This action is identified as a Pending Abuse Action or Further Abuse Action on Schedule 1 as attached to the Sixth Stipulation (or as has been or may be further amended), and Defendant Greater New York Councils, Boy Scouts of America is

identified on Schedule 2 as attached to the Sixth Stipulation (or as has been or may be further amended).

21. Accordingly, the BSA hereby provides further notice that the prosecution of any and all claims against the Defendant Greater New York Councils, Boy Scouts of America in this action are stayed up to and including the date of the first omnibus hearing after the Bankruptcy Court issues its decision confirming or denying confirmation of the Plan.²

Dated: New York, New York
December 2, 2021

Respectfully Submitted,

WIGGIN AND DANA LLP

By: /s/ Michael L. Kenny Jr.

James I. Glasser
Kevin M. Smith
Michael L. Kenny Jr.
437 Madison Avenue, 35th Floor
New York, New York 10022
(212) 551-2600
(212) 551-2888 (fax)
jglasser@wiggin.com
ksmith@wiggin.com
mkenny@wiggin.com

*Counsel for Defendants Boy Scouts of
America and Greater New York Councils,
Boy Scouts of America*

² The claims and causes of action against the BSA itself are, and will continue to be, automatically stayed pursuant to 11 U.S.C. § 362 as a result of its bankruptcy filing.